UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,617	12/22/2000	Daniel P. Starkovich	RA 5342 (33012/303/101)	4591

27516 7590 11/16/2005		EXAMINER	
UNISYS CORPORATION		NEURAUTER, GEORGE C	
MS 4773			
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ST. PAUL, MN 55164-0942		2143	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/748,617	STARKOVICH ET AL.
	Examiner	Art Unit
	George C. Neurauter, Jr.	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*13 October 2005*</u>.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-20* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>*22 December 2000*</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claims 1-20 are currently presented and have been examined.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 October 2005 has been entered.

Claim Objections

Claims 6 and 20 are objected to because of the following informalities: Claim 6 recites "responsibly" when the term should be "responsively" and claim 20 is missing a period. Appropriate correction is required.

Specification

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code at least on page 2 of the specification. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Figure 7 is missing elements 466, 468, 470, 474, 476, 478, 480, 482, 484, and 485. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The Applicant is also requested to consider the rest of the drawings for possible errors and submit any other necessary corrections along with the required corrections.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

The Applicant submits that Figure 3 and associated description in the specification at page 21 meets the negative limitation description requirements of MPEP 2173.05(i) for the limitation "without the use of a view buffer". The Examiner does not agree. As the Examiner has stated previously, any negative limitation must have basis in the original disclosure. See MPEP 2173.05(i). An inspection of the specification reveals that the specification discusses elements such as a "view", "view files", "view buffers", "view-based data", and "non view-based data". However, the specification does not treat specifically what a "view" or what a "buffer" is. Absent a specific definition of the terms "view" and "buffer", the Examiner submits that the terms must be given their plain meaning that one of ordinary skill in the art would have given the terms in accordance with MPEP 2111.01, therefore, the term "view buffer" is interpreted by the Examiner as an element that contains information regarding the display of information to a user.

Further, the specification discusses both "view buffers" and "non-view buffers" on page 20, lines 3-4. The Examiner is confused about the use of these terms since the limitation

"without the use of view buffers" specifically exclude the use

of such a "view buffer" and the specification does not disclose

a "non-view buffer" in the sense of a "view buffer" or any other

sense of the term "buffer". The Examiner cannot find any other

specific reference to a "non-view buffer" and the Applicant is

requested to specifically point out where this "non-view buffer"

is discussed within the specification in order to support the

the limitation "without the use of a view buffer".

The Examiner has also cited related prior art that may

contain information material to the interpretation of this

element. If the Applicant traverses the Examiner's

interpretation of the limitation, the Applicant is specifically

requested to particularly point out and/or cite evidence that

the terms "view" and/or "view buffer" are within the level of

one of ordinary skill in the art.

The Applicant states that the references incorporated by

reference on page 1, lines 3-21 discuss the use of a "view

buffer" extensively and submits that this information supports

that "the finding of the Examiner is clearly erroneous". The

burden for specifically providing this information since such

information is relevant to the patentability of the claimed

invention and to ensure a complete and accurate record is placed

upon the Applicant. See MPEP 2001.06(b) ("The individuals

covered by 37 CFR 1.56 have a duty to bring to the attention of

the examiner, or other Office official involved with the

examination of a particular application, information within

their knowledge as to other copending United States applications

which are "material to patentability" of the application in

question. As set forth by the court in *Armour & Co. v. Swift &

Co.*, 466 F.2d 767, 779, 175 USPQ 70, 79 (7th Cir. 1972): [W]e

think that it is unfair to the busy examiner, no matter how

diligent and well informed he may be, to assume that he retains

details of every pending file in his mind when he is reviewing a

particular application...[T]he applicant has the burden of

presenting the examiner with a complete and accurate record to

support the allowance of letters patent.") Since the issue of

whether the exclusion of a view buffer is material to the issue

of patentability, the Applicant must specifically point out the

use of the term "view buffer" within the copending applications

of the instant application is relevant to the patentability of

the claimed invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35

U.S.C. 112:

> The specification shall contain a written description of the invention, and
> of the manner and process of making and using it, in such full, clear,
> concise, and exact terms as to enable any person skilled in the art to
> which it pertains, or with which it is most nearly connected, to make and

use the same and shall set forth the best mode contemplated by the inventor
of carrying out his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, first

paragraph, as failing to comply with the written description

requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s),

at the time the application was filed, had possession of the

claimed invention.

MPEP 2173.05(i) recites:

"Any claim containing a negative limitation which does not

have basis in the original disclosure should be rejected under

35 U.S.C. 112, first paragraph, as failing to comply with the

written description requirement."

Claims 1-20 recite the limitation "converting [a] service

request...from [one] format]...to [another] format...without the

use of a view buffer." The specification does not describe any

specific method, system, and/or apparatus that enables the

conversion of a service request between formats without the use

of a new buffer to reasonably convey to one skilled in the

relevant art the inventors had possession of the claimed

invention.

Claims 1-20 are rejected under 35 U.S.C. 112, first

paragraph, as failing to comply with the enablement requirement.

The claim(s) contains subject matter which was not described in

the specification in such a way as to enable one skilled in the

art to which it pertains, or with which it is most nearly

connected, to make and/or use the invention.

Claims 1-20 recite the limitation "converting [a] service

request...from [one] format]...to [another] format...without the

use of a view buffer." This limitation is not described within

the specification in order to enable one of ordinary skill in

the art to make and/or use the invention without the use of a

view buffer in order to display information.

Claim Rejections

Claims 1, 6, 11, and 16 are rejected in view of Applicant's

admitted Prior Art, specifically the prior art disclosed in the

specification. The Applicant stated in the specification filed

22 December 2000 that "The Distributed Component Object Model

(DCOM) is a Microsoft model for distributed computing",

therefore, this statement is construed by the Examiner that the

statement constitutes an admission of prior art of another. See

MPEP 2129 and *Riverwood Int'l Corp. v. R.A. Jones & Co.*, 324

F.3d 1346, 1354, 66 USPQ2d 1331, 1337 (Fed Cir. 2003).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere*

Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for

establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and
     the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent
     art.
4.   Considering objective evidence present in the
     application indicating obviousness or nonobviousness.

This application currently names joint inventors. In

considering patentability of the claims under 35 U.S.C. 103(a),

the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered

therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to

point out the inventor and invention dates of each claim that

was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5 754 772 A to Leaf.

Regarding claim 1, Leaf discloses in a data processing system having a user terminal for entering a transaction request responsively coupled via a publicly available digital communication network to an enterprise server for responding to said transaction request, the improvement comprising:

a. an adapter responsively coupled to said user terminal via said publicly available digital communication network which converts said service request to a format suitable for input to a generic gateway (column 6, lines 28-35)

b. A first generic gateway interposed between said adapter and said enterprise server which converts said service request from a format suitable for input to said generic gateway to a format suitable for response by said enterprise server. (column 5, lines 8-35)

Leaf does not disclose wherein the generic gateway converts a service request to a format suitable for response by an enterprise server without the use of a view buffer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to omit the view buffer and its function if the function of the view buffer is not desired. See MPEP 2144.04(II)(A).

Regarding claim 2, Leaf discloses the improvement according to claim 1.

Leaf does not expressly disclose a second generic gateway interposed between said user terminal and said enterprise server wherein said second gateway converts said service request to a format suitable for response by said enterprise sewer through the use of a view buffer, however, Leaf does disclose a generic gateway interposed between said user terminal and said enterprise server wherein said second gateway converts said service request to a format suitable for response by said enterprise server through the use of a view buffer. (column 5, lines 8-35)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to duplicate the generic gateway since the mere duplication of the generic gateway would have involved only routine skill in the art. See MPEP 2144.04(VI)(B).

Regarding claim 3, Leaf discloses the improvement according to claim 2, wherein said publicly available digital

communication network further comprises the Internet. (column 4,

lines 10-16)

Regarding claim 4, Leaf discloses the improvement according

to claim 3 further comprising an NT server housing said first

gateway and providing a WebTx environment. (column 5, lines 37-

45; column 6, lines 27-48)

Regarding claim 5, Leaf discloses the improvement according

to claim 3 wherein said user terminal further comprises an

industry compatible personal computer. (column 4, lines 18-24)

Regarding claim 6, Leaf discloses an apparatus comprising:

a. A user terminal which generates a service request in a

first format; ("web browser")

b. A publically accessible digital data communication

network responsively coupled to said user terminal; ("Internet")

c. An enterprise server which honors said service request

in a second format; ("enterprise server")

d. An adapter responsively coupled to said user terminal

via said publicly accessible digital communication network which

converts said service request for said first format into an

intermediate format suitable for input to a generic gateway;

(column 6, lines 28-35) and

e. A first generic gateway within a server responsibly

coupled between said adapter and said enterprise server which

converts said service request from said intermediate format suitable for input to said generic gateway to said second format. (column 5, lines 8-35)

Leaf does not disclose wherein the generic gateway converts a service request to a format suitable for response by an enterprise server without the use of a view buffer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to omit the view buffer and its function if the function of the view buffer is not desired. See MPEP 2144.04(II)(A).

Regarding claim 7, Leaf discloses an apparatus according to claim 6.

Leaf does not expressly disclose a second generic gateway within said server responsively coupled intermediate said publicly available digital data communication network and said enterprise server which converts said service request from said first format to said second format with the use of a view buffer, however, Leaf does disclose a generic gateway within said server responsively coupled intermediate said publicly available digital data communication network and said enterprise server which converts said service request from said first format to said second format with the use of a view buffer. (column 5, lines 8-35)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to duplicate the generic gateway since the mere duplication of the generic gateway would have involved only routine skill in the art. See MPEP 2144.04(VI)(B).

Regarding claim 8, Leaf discloses an apparatus according to claim 7 wherein said publicly accessible digital communication network further comprises the World Wide Web. (column 4, lines 1-16)

Regarding claim 9, Leaf discloses an apparatus according to claim 7, as assumed above, wherein said server further comprises WebTx middleware. (column 6, lines 27-48)

Regarding claim 10, Leaf discloses an apparatus according to claim 9, as assumed above, wherein said user terminal further comprises an industry compatible personal computer operating under Windows. (column 4, lines 18-24)

Regarding claim 11, Leaf discloses a method of processing a transaction comprising:

a. composing a service request in a first format; b. transferring said service request via a publicly accessible digital data communication network ("Internet") to an adapter within a server; and c. converting said service request using said adapter into a second format suitable for input to a

generic gateway; and d. Translating said service request within said generic gateway from said second format into a third format suitable for processing by a legacy data base management system. (column 5, lines 8-35; column 6, lines 28-35)

Leaf does not disclose translating said service request within said generic gateway from said second format into a third format suitable for processing by a legacy data base management system without the use of a view buffer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to omit the view buffer and its function if the function of the view buffer is not desired. See MPEP 2144.04(II)(A).

Regarding claim 12, Leaf discloses a method according to claim 11 further comprising: a. Transferring said converted service request from said gateway to said legacy data base management system. (column 5, lines 8-35)

Regarding claim 13, Leaf discloses a method according to claim 12 wherein said publically accessible digital data communication network further comprises the Internet. (column 4, lines 10-16)

Regarding claim 14, Leaf discloses a method according to claim 13 wherein said first format further comprises HTML. (column 1, lines 20-34, specifically lines 25-27)

Regarding claim 16, Leaf discloses an apparatus comprising:

a. Generating means for generating a service request using a first format; b. Transferring means responsively coupled to said generating means for transferring said service request via a publicly accessible digital data network ("Internet"); c. Adapting means via said publicly accessible digital data network for adapting said service request in said first format into an intermediate format; d. Converting means responsively coupled to said adapting means for converting said service request from said intermediate format to a second format; and e. Processing means responsively coupled to said converting means for processing said service request in said second format. (column 5, lines 8-35; column 6, lines 28-35)

Leaf does not disclose converting said service request to a second format without using a view buffer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to omit the view buffer and its function if the function of the view buffer is not desired. See MPEP 2144.04(II)(A).

Regarding claim 17, Leaf discloses an apparatus according to claim 16 further comprising transferring means responsively coupled to said processing means for transferring said service

request said second format to an end service provider via one of

a plurality of connectors. (column 5, lines 8-35)

Regarding claim 18, Leaf discloses an apparatus according

to claim 17 wherein said first format further comprises HTML.

(column 1, lines 20-34, specifically lines 25-27)

Regarding claim 19, Leaf discloses an apparatus according

to claim 18 wherein said publicly accessible digital data

communication network is the Internet. (column 4, lines 10-16)

Regarding claim 20, Leaf discloses an apparatus according

to claim 19 wherein said generating means further comprises an

industry compatible personal computer operating under Windows.

(column 4, lines 18-24)

1.   Claim 15 is rejected under 35 U.S.C. 103(a) as being

unpatentable over Leaf in view of US Patent 6 725 426 B1 to

Pavlov.

Regarding claim 15, Leaf discloses a method according to

claim 13.

Leaf does not disclose wherein said first format further

comprises XML, however, Leaf does disclose wherein said first

format further comprises HTML as described above regarding claim

14.

Pavlov discloses that XML is an improvement to HTML based on its flexibility and improved set of capabilities (column 1, lines 30-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of these references since Pavlov discloses that the XML format is an improvement to the HTML format based on its flexibility and improved set of capabilities as shown above. In view of these specific advantages and that the references are directed to formats for service requests and their associated technologies, one of ordinary skill would have been motivated to combine these references and would have considered them to be analogous to one another based on their related fields of endeavor, which would lead one of ordinary skill to reasonably expect a successful combination of the teachings.

2.   Claims 1-20 are rejected in view of Applicant's admitted Prior Art, specifically page 20, line 13-page 21, line 11. The Applicant stated in the specification filed 22 December 2000 that "The...(DCOM) is a Microsoft model for distributed computing", therefore, this statement is construed by the Examiner that this statement constitutes an admission of prior art by another. See MPEP 2129 and *Riverwood Int'l Corp. v. R.A.*

Jones & Co., 324 F.3d 1346, 1354, 66 USPQ2d 1331, 1337 (Fed Cir.

2003).

Applicant's admitted prior art discloses a data processing

system, method, and apparatuses that recite an adapter

("proxy.dll"), user terminal ("remote DCOM client application"),

first generic gateway ("stub.dll"), and enterprise server ("DCOM

server application") substantially as claimed.

Conclusion

The prior art made of record and not relied upon is

considered pertinent to applicant's disclosure.

The prior art listed in the PTO-892 describes methods,

systems, and apparatuses that contain subject matter similar to
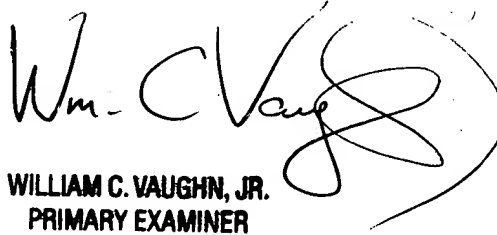
those disclosed and claimed.

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to George C.

Neurauter, Jr. whose telephone number is (571) 272-3918. The

examiner can normally be reached on Monday through Friday from

9AM to 5:30PM Eastern.

If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, David Wiley can be

reached on (571) 272-3923. The fax phone number for the

organization where this application or proceeding is assigned is

571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcn

WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER